

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MATTHEW HOGAN,
#1090721,

Plaintiff,

v.

BEXAR COUNTY SHERIFF JAVIER
SALAZAR,

Defendant.

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CIVIL NO.
SA-19-CV-255-DAE(ESC)

ORDER

Pending before the Court is Plaintiff, Matthew Hogan's second Motion to Appoint Counsel [#16]. Plaintiff was previously advised that the Court need not appoint counsel unless the case presents exceptional circumstances which are dependent on the type and complexity of the case and the abilities of the individual pursuing the case. *Cupit v. Jones*, 835 F.2d 82, 86 (5th Cir. 1987).

Plaintiff now contends exceptional circumstances exist because as a pretrial detainee/inmate, he has limited access to the law library and is unable to properly research case law which is hindering his ability to properly represent himself. However, this case is not complex and although Plaintiff is *pro se* and incarcerated, he has demonstrated he is capable of presenting motions and filing papers.

Accordingly, **IT IS ORDERED** that Plaintiff's second Motion to Appoint Counsel [#16] is **DENIED WITHOUT PREJUDICE** to the Court considering appointing counsel at a later date, should the Court deem appointment of counsel is warranted.

IT IS SO ORDERED.

SIGNED this 19th day of September, 2019.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE